

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PAUL LeTOURNEAU,

Defendant.

CR 16-4-H-CCL

FINDINGS AND
RECOMMENDATION

Before the Court is a petition alleging Defendant Paul LeTourneau violated conditions of his supervised release. On January 9, 2019, Senior United States District Judge Charles C. Lovell referred this matter to the undersigned United States Magistrate Judge to conduct a final revocation hearing. The Court conducted the hearing on January 17, 2019.

The petition filed in this case alleges LeTourneau committed multiple violations of various conditions of release. Defendant appeared at the hearing represented by counsel, and he admitted to all eight violations set forth in the petition.

Defendant's violations are Grade C violations. His criminal history category is II, and his underlying offense is a Class D felony. Consequently, the applicable statutory provisions impose a maximum of 24 months of incarceration if

Defendant's release is revoked, followed by 36 months of supervised release, less any term of custody imposed. And the applicable sentencing guidelines recommend 4 to 10 months of incarceration followed by 36 months of supervised release, less any term of custody imposed. The Assistant United States Attorney and Defendant's counsel agreed with these category and sentence range determinations.

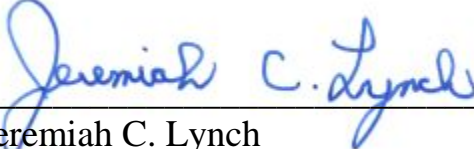
Based on Defendant's admissions to the allegations in the petition, the Court enters the following FINDING: The record reflects, by a preponderance of the evidence, that Defendant committed the eight violations of his conditions of supervised release as alleged in the petition.

The Court afforded the Assistant United States Attorney, Defendant's counsel, and Defendant an opportunity to address the Court as to their recommendations and requests for an appropriate disposition of the petition and the appropriate sentence to be imposed. Each of the three took the opportunity to address the Court.

IT IS RECOMMENDED that the District Court revoke Defendant's supervised release, and that the Court (1) commit Defendant to the custody of the United States Bureau of Prisons for a term of time served, and (2) impose a term of 12 months of supervised release following his term of custody.

Pursuant to 28 U.S.C. § 636(b)(1), the parties may serve and file written objections to these Findings and Recommendations within 14 days of the date they are served as indicated on the Notice of Electronic Filing. The District Judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made, and may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the District Judge, and may waive the right to appear and allocute before the District Judge.

DATED this 17th day of January, 2019.



Jeremiah C. Lynch
United States Magistrate Judge